

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
DORIS E. STANTON,)	
)	
Complainant,)	
)	
and)	CHARGE NO: 1999SA0024
)	EEOC NO: 21B988091
)	ALS NO: S10707
HUNTER CARE CENTERS, INC.)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On November 28, 2001, a Recommended Liability Determination was issued in Complainant's favor. The Order allowed Complainant 21 days to file a petition for attorney's fees. To date, Complainant has not filed a fee petition. As such, this case is now ready for decision.

Findings of Fact

1. On November 28, 2001, I made a Recommended Liability Determination awarding Complainant \$31, 800. The Determination is now incorporated within this decision.
2. The Recommended Liability Determination allowed Complainant 21 days to file a petition for attorney's fees pursuant to 56 Illinois Administrative Code § 5300.765.
3. Complainant did not file a petition for fees within the allotted time frame. She also did not seek an extension of time past the 21 days to file a fee petition.

Conclusions of Law

1. The Commission has jurisdiction over the parties and subject matter in this case.
2. Complainant has waived her right to an award of attorney's fees because she failed to file the necessary petition requesting the fees pursuant to 56 Illinois Administrative Code § 5300.765.

Determination

Complainant is not entitled to attorney's fees in this matter because she failed to request her fees within the 21 day time frame proscribed by 56 Illinois Administrative Code § 5300.765.

Discussion

Section 5300.765 of the Illinois Administrative Code provides Complainant 21 days after the entry of a Recommended Liability Determination to file a petition for recovery of her attorney's fees. Ten months have elapsed and Complainant's attorney has not requested any fees for his efforts in this matter, nor has he requested additional time to do so.

Further, paragraph D in the Recommendation section of the Recommended Liability Determination warned Complainant that the failure to file a fee request would be deemed a waiver of her right to recover those fees. Despite the warning, Complainant chose not to file a fee petition. As such, Complainant has now waived her right to recover her fees and I am left with no option but to recommend the Commission to award Complainant the suggested relief in the Determination except for her attorney's fees.

Recommendation

I recommend that the Commission lift the stay in this matter and award Complainant paragraphs A and B of the Recommended Liability Determination as incorporated herein.

ILLINOIS HUMAN RIGHTS COMMISSION

KELLI L. GIDCUMB
Administrative Law Judge
Administrative Law Section

ENTERED THIS DAY OF 2002.

